

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JAMAL J ELLIS,

Plaintiff,

v.

WASHINGTON STATE  
DEPARTEMENT OF CORRECTIONS,

Defendant.

CASE NO. C14-5765 RBL-JRC

REPORT AND RECOMMENDATION

NOTED FOR:  
DECEMBER 12, 2014

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR1, MJR3 and MJR4.

On September 26, 2014, the Clerk's Office sent plaintiff a deficiency letter telling him to cure the defects in his in forma pauperis application (Dkt. 2). The letter gave plaintiff until October 27, 2014, to comply (Dkt. 2). One of the defects in his application is that plaintiff has failed to provide a prison trust account statement. 28 U.S.C. 1915(a)(2) states:

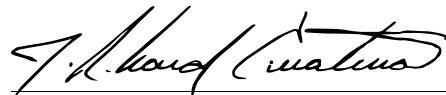
A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor, in addition to filing the affidavit filed under paragraph (1), shall submit a certified copy of the trust

1 fund account statement (or institutional equivalent) for the prisoner for the 6-  
2 month period immediately preceding the filing of the complaint or notice of  
3 appeal, obtained from the appropriate official of each prison at which the prisoner  
4 is or was confined.

5 The Court must receive this statement from a prisoner seeking to proceed in forma  
6 pauperis. *See*, 28 U.S.C. § 1915(a)(2). As of November 19, 2014, plaintiff has not responded to  
7 the letter from the Clerk's Office and the time allotted by the Court for compliance has elapsed.  
8 The Court, therefore, recommends denial of plaintiff's application to proceed in forma pauperis  
9 and dismissal of this action if plaintiff does not pay the full four-hundred dollar filing fee within  
10 thirty days of the Court accepting this Report and Recommendation.

11 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have  
12 fourteen (14) days from service of this Report to file written objections. *See also* Fed. R. Civ. P.  
13 6. Failure to file objections will result in a waiver of those objections for purposes of de novo  
14 review by the district judge. *See* 28 U.S.C. § 636(b)(1)(C). Accommodating the time limit  
15 imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter for consideration on  
16 December 12, 2014, as noted in the caption.

17 Dated this 19<sup>th</sup> day of November, 2014.

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19 J. Richard Creatura  
20 United States Magistrate Judge  
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